

Notice of Allowability

Application No.

09/773,503

Applicant(s)

YOSHIDA, TAKEHIRO

Examiner

CHAN S PARK

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 1/5/05.
2. The allowed claim(s) is/are 2,3,5,6,8,9,11-19,21,22 and 24-34.
3. The drawings filed on 02 February 2001 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of the:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 1/5/05, and has been entered and made of record. Currently, **claims 2, 3, 5, 6, 8, 9, 11-19, 21, 22 and 24-34** are pending.

Specification

2. The corrected or substitute specification was received on 12/22/04. The specification is acceptable.

Allowable Subject Matter

3. **Claims 2, 3, 5, 6, 8, 9, 11-19, 21, 22 and 24-34** are allowed.
4. The following is an examiner's statement of reasons for allowance:

The prior art of record do not teach or suggest the limitation of a control method for a data communication apparatus wherein the history holding step of holding a execution history of the second notification step for each of a plurality of communication partners including the partner apparatus and the control step of controlling which of the first and second notification steps is executed on the communication with the partner apparatus.

Further, the prior art of record do not teach or suggest the limitation of a control method for a data communication apparatus for determining whether the multilevel

image data satisfies the second condition when multilevel image data is data based on the first condition.

The most relevant prior art, the combination of Kanemitsu (U.S. Patent No. 6,674,548) and Nobuta (U.S. Patent No. 5,956,162), teaches the limitation of receiving both monochrome image and multilevel image based on the receiving capability notified by the receiver. Thus, when the capability is notified to the transmitter, the transmitter sends the image data accordingly. However, the prior art does not disclose the limitation for determining whether the multilevel image data satisfies the second condition when multilevel image data is data based on the first condition.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S PARK whose telephone number is (571) 272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chan S. Park
Examiner
Art Unit 2622

csp
April 15, 2005


EDWARD COLES
EXAMINER
ART UNIT 2622
USPTO - 2005